

# HOUSE BILL REPORT

## SJM 8006

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### As Passed House:

April 10, 1995

**Brief Description:** Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

**Sponsors:** Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen.

### Brief History:

#### Committee Activity:

Government Operations: 3/31/95 [DP].

#### Floor Activity:

Passed House: 4/10/95, 75-21.

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## HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 12 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Loven and Wolfe.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Rust, Ranking Minority Member; Chopp and R. Fisher.

**Staff:** Bonnie Austin (786-7135).

**Background:** In 1989, the United States Supreme Court struck down the conviction of a protester for burning a flag in violation of a Texas statute. The court held that the application of the Texas statute violated the free speech guarantees of the First Amendment to the United States Constitution.

Congress responded by passing the Flag Protection Act of 1989, which made it a crime for anyone to knowingly mutilate, deface, physically defile, burn, maintain upon the floor or ground, or trample upon a United States flag. In 1990, the United States Supreme Court held that the application of the flag burning prohibition of the Flag Protection Act of 1989 was unconstitutional, again on free speech grounds.

Article V of the United States Constitution provides that Congress may, by a two-thirds vote of both houses, propose amendments to the United States Constitution. The proposed amendment becomes valid when ratified by three-fourths of the states.

**Summary of Bill:** Congress is requested to propose an amendment to the United States Constitution for ratification by the states specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Forty-six other states have now passed memorials asking Congress to propose a constitutional amendment to allow the prohibition of flag desecration.

**Testimony Against:** None.

**Testified:** Senator Oke, prime sponsor; and Doris Gross, American Legion.